

SECOND REGULAR SESSION

# HOUSE BILL NO. 1602

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WYATT (Sponsor), McNEIL, McCANN BEATTY,  
McGEOGHEGAN, HODGES, SIFTON, PIERSON, LOEHNER,  
HOLSMAN AND FUNDERBURK (Co-sponsors).

5428L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 161.365, RSMo, and to enact in lieu thereof one new section relating to school cleaning supplies.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 161.365, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 161.365, to read as follows:

161.365. 1. **Beginning in school year 2013-14, school districts shall establish a "green" cleaning policy and exclusively purchase and use environmentally-sensitive cleaning products that meet the guidelines and specifications of subsection 3 of this section. A district may, however, deplete its existing cleaning and maintenance supply stocks and implement the new requirements in the procurement cycle for the following school year.**

2. **If a district determines that adopting a green cleaning policy is not economically feasible as defined in this subsection, the district shall provide annual written notification to the department of elementary and secondary education, on a form provided by the department, that the development and implementation of a green cleaning policy is not economically feasible, until such time that it is determined to be economically feasible. For purposes of this section, adopting a green cleaning policy is not economically feasible if such adoption would result in an increase in the cleaning costs of the district. In calculating cleaning costs, districts shall not include costs associated with training and staff development.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15           **3.** The department of elementary and secondary education shall, in consultation with the  
16 department of health and senior services, and a panel of interested stakeholders, including  
17 cleaning product industry representatives, nongovernmental organizations, and others, establish  
18 and amend on an annual basis guidelines and specifications for green cleaning programs,  
19 including environmentally sensitive cleaning and maintenance products, paper product  
20 purchases, and equipment purchases for cleaning programs. The department shall provide  
21 multiple avenues by which cleaning products may be determined to be environmentally sensitive  
22 under the guidelines. Guidelines and specifications shall be established after a review and  
23 evaluation of existing research and shall be completed no later than February 24, 2009.  
24 Guidelines and specifications may include implementation practices, including inspection. The  
25 completed guidelines and specifications shall be posted on the department of elementary and  
26 secondary education's official website.

27           **[2.] 4.** Upon completion of the guidelines and specifications required under subsection  
28 1 of this section, the department of elementary and secondary education shall provide each  
29 district with a printed copy of the guidelines and specifications. Each district shall then  
30 immediately disseminate the guidelines and specifications to every school in the district. In the  
31 event the guidelines and specifications are updated by the department of elementary and  
32 secondary education, the department shall provide the updates to each district for immediate  
33 dissemination to each school. Additionally, the department of elementary and secondary  
34 education shall post all updated materials on the department's official website.

35           **[3.] 5.** The department of elementary and secondary education may promulgate rules and  
36 regulations necessary to carry out the provisions of this section. Any rule or portion of a rule,  
37 as that term is defined in section 536.010, that is created under the authority delegated in this  
38 section shall become effective only if it complies with and is subject to all of the provisions of  
39 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable  
40 and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to  
41 delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional,  
42 then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008,  
43 shall be invalid and void.

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